

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-162

September 24, 2002

PUBLIC UTILITIES COMMISSION
Procedures for Conservation Program Planning

ORDER IDENTIFYING
VIOLATION OF A PREVIOUS
PROTECTIVE ORDER AND
ORDERING NECESSARY
REMEDIES

This order results from actions taken by the Public Advocate and his consultant in this proceeding and a complaint made by Central Maine Power (CMP) to those actions. The Public Advocate and counsel for CMP consent to the substance of this Order.

On September 19, 2002 the Public Advocate filed with the Commission in this docket a report prepared by his consultant, Exeter Associates of Silver Spring, Maryland, entitled "The Technical Potential for Electric Energy Conservation in Maine" ("Exeter Report"). The report incorporated data from a large number of sources concerning the technical potential for cost-effective conservation programs in electric utility service territories in Maine. One of these sources was the pre-filed testimony of CMP's Director of Sales Forecasting, John P. Davulis, dated October 3, 2001 that was filed in "Investigation of Central Maine Power Company's Stranded Cost Revenue Request, Phase II," Docket No. 2001-0232. The Public Advocate's consultant failed to recognize that part of this testimony was governed by an August 1, 2001 Protective Order that restricted the disclosure, and governed the confidentiality of "information pertaining to sales and load forecast data." The Public Advocate's consultant received the Davulis testimony because he was a consultant to the Commission in Docket No. 2001-232. That part of Mr. Davulis' testimony and exhibits that was Designated Confidential Information is labeled as such and cannot be divulged to any party outside of the particular Stranded Cost proceeding for which it was prepared and divulged to parties in the Stranded Cost proceeding only in the restricted manner described in the Protective Order. Furthermore, following the conclusion of that proceeding, by order on February 15, 2002, parties who had received Designated Confidential Information, including the Public Advocate's consultants at Exeter Associates, were obligated to maintain such material in conformity with the Protective Order. This was not done in this case with respect to numerous references in the September 19, 2002 Exeter Report to specific matters discussed in Mr. Davulis' testimony.

Accordingly, it is

ORDERED

1. That all persons receiving copies by any means, electronic, hard copy or otherwise, of the September 19, 2002 report prepared by Exeter Associates shall destroy the report or return it intact to the Public Advocate's Office for destruction there, along with any associated notes pertaining to specific references to Mr. Davulis's testimony in Docket No. 2001-232.
2. That the Public Advocate shall send to all persons on the service list in this proceeding a redacted copy of the Exeter Associates' report from which all references to Designated Confidential Information have been removed, along with an explanatory letter.

BY ORDER OF THE PRESIDING OFFICER

James A. Buckley